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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GABRIEL GIGENA,  
Plaintiff,  
v.  
STATE OF CALIFORNIA,  
Defendant.

No. 2:21-cv-00082-TLN-JDP

**ORDER**

Plaintiff Gabriel Gigena (“Plaintiff”) is proceeding *pro se* in the instant action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On April 8, 2021, the magistrate judge filed findings and recommendations herein which were served on the Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 5.) Plaintiff filed objections on April 13, 2021, and they were considered by the undersigned. (ECF No. 6.)

This Court reviews *de novo* those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and decides the motions on the applicable law. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

1 reviewed de novo. *See Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

2 The Court has reviewed the file and finds the findings and recommendations to be  
3 supported by the record and by the magistrate judge's analysis.

4 Accordingly, IT IS ORDERED that:

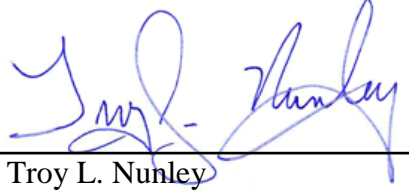
5 1. The Findings and Recommendations filed April 8, 2021 (ECF No. 5), are ADOPTED  
6 IN FULL;

7 2. This action is DISMISSED as frivolous; and

8 3. The Clerk of Court is directed to close the case.

9 IT IS SO ORDERED.

10 DATED: May 20, 2021

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14 Troy L. Nunley  
15 United States District Judge  
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